Co., 69 Mo. 658. *The Stockport District Water Works Co.* v. *The Mayor, etc., of Manchester et al.*, in the English Court of Chancery, 9 Jurist N. S. 266-7 is a case in point with the principal case; the court there says in effect that the plaintiffs have no interest in the defendants' action so as to maintain a complaint against them, neither are they qualified to represent the interests of the public; "and in one of these two capacities the bill, if it can be maintained, must be supported. In neither capacity do I think the plaintiffs are entitled to call upon the court for relief."

DAMAGES—MENTAL SUFFERING UNACCOMPANIED BY PHYSICAL INJURY.—Plaintiff was occupying, under a tenancy from month to month, a house owned by defendant. Defendant entered the house before the tenancy was ended, committed various annoyances, and tried to enter the room where plaintiff was confined by ill health. No physical injury resulted. Plaintiff alleged she was "greatly disturbed." *Held*, that damages might be recovered for mental suffering resulting from the wrongful act, even though no physical injury resulted, *Nordgren* v. *Lawrence* (Wash. 1913), 133 Pac. 436.

It is generally held that fright alone, not resulting in physical injury of a tangible and provable nature, is not a good ground for the recovery of damages. *Ewing* v. *Pittsburgh C. & St. L. Ry. Co.*, 147 Pa. St. 40, 23 Atl. 340, 14 L. R. A. 666, 30 Am. St. Rep. 709; *Nelson* v. *Crawford*, 122 Mich. 466, 80 Am. St. Rep. 577, 81 N. W. 335; *Kalen* v. *Terre Haute & I. R. Co.*, 18 Ind. App. 202, 63 Am. St. Rep. 343, 47 N. E. 694; *Ohliger* v. *Toledo Traction Co.*, 13 Ohio Cir. Ct. 265; *Newton* v. *New York, N. H. & H. R. Co.*, 94 N. Y. S. 825, 106 App. Div. 415; *White* v. *Sander*, 168 Mass. 296, 47 N. E. 90. Humiliation is held to be a good ground of recovery in many jurisdictions, *Palmer* v. *Braun*, 123 Ill. App. 584; *Missouri K. & T. Ry.* v. *Ball*, 25 Tex. Civ. App. 500, 61 S. W. 327; as well as sorrow, *Wadsworth* v. *W. U. Tel. Co.*, 86 Tenn. 695; and *Louisville & Nashville R. R. Co.* v. *Hull*, 113 Ky. 561, 57 L. R. A. 771. In the principal case the court fails to distinguish and state the ground on which this recovery is allowed. It must, however, from the circumstances reported, be placed either on the grounds of fright or of humiliation. If the latter, the holding is within the rule generally prevailing. If fright is the basis for the recovery, then the fact that a recovery is allowed though the fright was not accompanied by any actual injury resulting from the defendant's wrongful act, places the decision outside the rule now generally followed and shows a tendency of the court to break away from the common-law principle that there must be a palpable, physical injury which is capable of proof, before recovery can be had. Upon this principle the right to recover damages for injuries caused by fright and shock has always been predicated. See also 8 MICH. L. REV. 44, 11 MICH. L. REV. 250; and *Huston* v. *Freemansburg*, 212 Pa. 548, 61 Atl. 1022.

DIVORCE—HUSBAND'S LIABILITY FOR SUPPORT OF HIS MINOR CHILDREN AFTER DIVORCE.—Plaintiff, who had obtained a divorce for the fault of defendant husband and was awarded the sole care, custody, and control of their child, is suing to recover the amounts necessarily paid out by her for the

child's support since the decree. *Held,* defendant's duty to support his minor child was unimpaired by the divorce. *Desch* v. *Desch* (Colo. 1913), 132 Pac. 60.

The weight of authority is apparently opposed to the doctrine in the principal case. PECK, DOM. REL., § 258; *Hall* v. *Green,* 82 Me. 122, 47 Am. St. Rep. 311; *Husband* v. *Husband,* 67 Ind. 583, 33 Am. Rep. 107; *Brow* v. *Brightman,* 136 Mass. 187; *Johnson* v. *Onsted,* 74 Mich. 437; *Brown* v. *Smith,* 19 R. I. 319, 30 L. R. A. 680; *Ramsey* v. *Ramsey,* 121 Ind. 215, 23 N. E. 69, 6 L. R. A. 682; *Hampton* v. *Allee,* 56 Kan. 461, 43 Pac. 779; *Cushman* v. *Hassler,* 82 Iowa 295, 47 N. W. 1036. It would seem that, as the husband is the guilty party to the divorce, he should not be rewarded by being absolved from liability to support his children. And in *Spencer* v. *Spencer,* 97 Minn. 56, 114 Am. St. Rep. 695, 2 L. R. A. N. S. 851, 7 Ann. Cas. 901; *Pretzinger* v. *Pretzinger,* 45 Ohio St. 452, 4 Am. St. Rep. 542; *Gibson* v. *Gibson,* 18 Wash. 489, 40 L. R. A. 587; *Zilley* v. *Dunwiddie,* 98 Wis. 428, 67 Am. St. Rep. 820; *Graham* v. *Graham,* 88 Pac. 852, 8 L. R. A. N. S. 1270; and *White* v. *White,* (Mo.) 154 S. W. 872, he is held liable. In the exhaustive note on this subject in 2 L. R. A. N. S. 851, the annotator declares the modern weight of authority is with the principal case. See also 7 Ann. Cas. 901 and 13 COL. L. REV. 645.

JURY—DENIAL OF RIGHT TO TRIAL BY JURY.—In the lower court a request for a verdict for the defendant had been denied. On exceptions the Supreme Judicial Court found that, on all the evidence, the request of the defendant should have been granted, and all the exceptions of the prevailing party overruled. St. 1909, c. 236 provided that in such cases the court may direct the entry of judgment for the party in whose behalf the request was made and erroneously refused. It was objected that such a statute was unconstitutional as the procedure provided for was an abridgment of the right of "trial by jury" given by the Bill of Rights, article 15. *Held,* that the statute was constitutional, as it was applicable only where a question of law was present and not one of fact. *Bothwell* v. *Boston Elevated Ry. Co.* (Mass. 1913), 102 N. E. 665.

The decision in this case is directly contrary to that of the United States Supreme Court in *Slocum* v. *N. Y. L. Ins. Co.,* 225 U. S. 364. The Massachusetts court expresses a vigorous disapproval of the holding in the *Slocum* case, and of the reasoning upon which it was based. The reasoning of the Massachusetts court is, in fact, along the same line as that of the dissenting justices in the *Slocum* case, that trial by jury is not a rigid and unchanging system but has a certain degree of flexibility in its adaptation of details to the changing needs of society without in any degree impairing its essential character. The decision in the principal case is in harmony with many other courts. *Hay* v. *Baraboo,* 127 Wis. 1, 105 N. W. 654, 3 L. R. A. N. S. 84, 115 Am. St. Rep. 977.

MASTER AND SERVANT—HABITUAL DISREGARD BY EMPLOYEES OF WARNING NOTICE AS CONSTITUTING WAIVER OF NOTICE.—An employee was killed while riding on a freight elevator, which was negligently constructed, on the em-